

Approved For Release 2004/12/22 : CIA-RDP81M00980R001400100030-3

OLC # 78 1482/A

Washington, D. C. 20505

OGC 78-6492

29 September 1978

Robert L. Keuch, Esq.
Deputy Assistant Attorney General
Criminal Division
Department of Justice
Washington, D. C. 20530

Dear Bob:

This is to provide our comments on Larry Hammond's proposed changes to the Memorandum of Understanding between the Department and the Agency regarding the reporting of possible federal crimes by CIA employees.

(1) We concur with the revised paragraph 6.

(2) We recommend that the revised paragraph 7 end with the words "Attorney General in writing" and that the phrase "in lieu of following the reporting procedures of paragraphs 3 through 6 of this Memorandum" be deleted. With this further modification the paragraph would allow exactly what the statute and Executive Order call for -- reports by the Director to the Attorney General. Deletion of the last phrase will de-emphasize the fact that in situations of security concern to the Director reporting will not be made at a lower level.

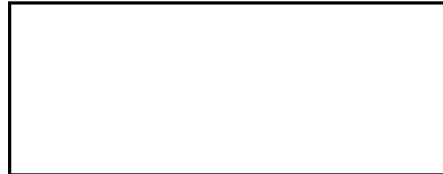
(3) Based upon our conversation the new paragraph 8 will read as follows:

Interpretation of the foregoing provisions shall be consistent with 28 U.S.C. §535 and E. O. 12036 and shall be determined by the Department of Justice. Matters not readily resolved by reference to the guidelines established by this Memorandum shall be handled on a case-by-case basis, as the need may arise, consistent with the provisions of 28 U.S.C. §535 and E. O. 12036.

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I understand that you will inform Tim Ingram, the Subcommittee Staff Director, that the above changes have been agreed upon by you and Tony Lapham as desirable in light of the Subcommittee's concerns and that you and he intend to recommend their adoption by the Attorney General and the Director.

Sincerely,



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| Keech informed Tim Ingraham of the change. | | | |
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| General Counsel | | 10/5/78 | |

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